

Message Text

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ACTION DLOS-07

INFO OCT-01 IO-14 ISO-00 AF-10 ARA-16 EA-11 EUR-25 NEA-14

RSC-01 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00

NSC-07 PA-04 PRS-01 SP-03 SS-20 USIA-15 CEQ-02 COA-02

COME-00 EB-11 EPA-04 NSF-04 SCI-06 FEA-02 ACDA-19

AEC-11 AGR-20 DOTE-00 FMC-04 INT-08 JUSE-00 OMB-01

TRSE-00 OIC-04 CG-00 DRC-01 /271 W

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R 051338Z JUN 74

FM USMISSION USUN NY

TO SECSTATE WASHDC 4343

C O N F I D E N T I A L USUN 2058

E.O. 11652: NA

TAGS: TSPA PFOR UN

SUBJ: LAW OF THE SEA CONFERENCE -- CONSULTATIONS ON
CONFERENCE PROCEDURES

1. TODAY'S JOURNAL BEARS ENTRY STATING THAT INFORMAL AMERASINGHE CONSULTATIONS ON DRAFT RULES OF PROCEDURE ORIGINALLY SCHEDULED FOR 12 THROUGH 14 JUNE HAVE BEEN RESCHEDULED FOR 10 THROUGH 12 JUNE. ENTRY EXPLAINS CHANGE IS DUE TO "AN UNFORESEEN DEVELOPMENT WHICH MAKES IT NECESSARY FOR THE PRESIDENT TO LEAVE NEW YORK ON 13 JUNE." MISOFF CALLED ON STAVROPOULOS WHO SAID HE REGRETTED CHANGE WHICH WAS APPARENTLY DUE TO AMERASINGHE'S HAVING BEEN ORDERED BY SRI LANKA GOVT TO QUITO FOR LATTER PART OF WEEK PRECEDING CARACAS CONFERENCE; IN RESPONSE TO MISOFF'S QUESTION, STAVROPOULOS SAID HE BELIEVED AMERASINGHE QUITO TRIP HAD NOTHING TO DO WITH LOS MATTERS.

2. STAVROPOULOS STRESSED HIS OPINION THAT IT WOULD BE
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IN INTEREST OF US AT PROCEDURES CONSULTATIONS TO SEEK

MUTUALLY ACCEPTABLE PACKAGE PROPOSAL WHICH COULD WITHOUT DELAY BE PUT BEFORE CARACAS CONFERENCE AND ADOPTED BY CONSENSUS. HE BELIEVED MARITIME POWERS WOULD BE BADLY ADVISED TO HOLD OUT FOR UNATTAINABLE CHANGES IN DRAFT RULES, THEREBY BEGINNING THE CONFERENCE WITH A VOTING CONFRONTATION. MISOFF SAID HE HOPED STAVROPOULOS IS MAKING SAME POINT TO OTHER CONSULTATIONS PARTICIPANTS; STAVROPOULOS SAID HE IS DOING SO.

3. STAVROPOULOS SAID HE THOUGHT LIKELIHOOD OF ADOPTION OF US PROPOSALS FOR REQUIRING A VOTING MAJORITY TO INCLUDE "REPRESENTATIVES OF STATES PARTICIPATING IN THAT SESSION OF THE CONFERENCE" VERY LOW. HOWEVER, HE BELIEVED HE OWED IT TO US TO HAVE DRAWN UP AN EXPLANATION OF HOW, IN THE EVENT OF ITS ADOPTION, US PROPOSAL MIGHT BE IMPLEMENTED. MISOFF VENTURED PERSONAL OPINION THE PAPER WAS VERY MUCH ALONG LINES OF WHAT US HAS HAD IN MIND. TEXT OF PAPER READS AS FOLLOWS:

AIDE MEMOIRE

IF THE THIRD UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA WERE TO ADOPT RULES OF PROCEDURE REQUIRING THAT DECISIONS BE TAKEN BY SPECIFIED MAJORITIES OF ALL STATES PARTICIPATING IN THE CONFERENCE, IT WOULD BE ESSENTIAL THAT THE CONFERENCE AGREE AT THE SAME TIME ON THE APPROPRIATE DEFINITION AND METHOD OF DETERMINING SUCH MAJORITIES. THEREFORE THE SECRETARIAT INTENDS, BEFORE ANY PROPOSAL IN THIS SENSE IS FINALLY ADOPTED, TO INDICATE TO THE CONFERENCE THE MEANS THAT MIGHT BE USED (UNLESS THE CONFERENCE DIRECTS OTHERWISE) FOR MAKING SUCH DETERMINATIONS. THIS MIGHT BE DONE BY AN ANNOUNCEMENT OR PAPER ALONG THE LINES OF THE ATTACHED DRAFT.

BEGIN BRACKETS THIRD UN CONFERENCE ON THE LAW OF THE SEA END
BRACKETS 31 MAY 1974

ADOPTION OF THE RULES OF PROCEDURE
DETERMINATION OF NUMBER OF STATES PARTICIPATING IN THE
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NOTE BY THE SECRETARY-GENERAL

1. A NUMBER OF PROPOSALS HAVE BEEN ADVANCED ACCORDING TO WHICH VOTING MAJORITIES WOULD BE DETERMINED NOT ON THE BASIS OF THE REPRESENTATIVES CASTING POSITIVE OR NEGATIVE VOTES, BUT RATHER ON THE BASIS OF THE NUMBER OF PARTICIPANTS IN THE CONFERENCE, OR THE PARTICULAR SESSION THEREOF 1/.

SHOULD SUCH RULES BE ADOPTED IT WOULD BE NECESSARY TO DETERMINE THIS NUMBER REPEATEDLY, RAPIDLY AND UNAMBIGUOUSLY. THIS PAPER PRESENTS CERTAIN PROPOSALS OF THE SECRETARIAT AS TO HOW THIS MIGHT BE DONE.

2. STATES PARTICIPATING IN A SESSION OF THE CONFERENCE MIGHT BE CONSIDERED TO BE THOSE THAT HAVE EITHER FORMALLY INFORMED THE SECRETARY-GENERAL THAT THEY ARE TO BE CONSIDERED AS PARTICIPATING OR WHO ARE AT ANY TIME DURING THE SESSION REPRESENTED BY AN ACCREDITED REPRESENTATIVE, PROVIDED THAT A STATE MAY CEASE TO BE CONSIDERED AS PARTICIPATING IN THE SESSION IF ITS REPRESENTATIVE OR OTHER COMPETENT AUTHORITY INFORMS THE SEC-GEN IN WRITING THAT THE STATE IS TEMPORARILY OR PERMANENTLY WITHDRAWING FROM SUCH PARTICIPATION.

3. THE DETERMINATION OF WHICH STATES THAT HAVE NOT GIVEN FORMAL NOTICE OF PARTICIPATION ARE ACTUALLY PARTICIPATING THROUGH A REP WOULD BE BASED ON THE ESTABLISHED CONFERENCE OFFICER REPORTS OF REPRESENTATIVES ATTENDING MEETINGS OF THE PLENARY OR OF OTHER ORGANS.

4. THE SECRETARIAT WOULD PUBLISH IN AN EARLY ISSUE OF THE JOURNAL AT EACH SESSION OF THE CONFERENCE A LIST OF THE STATES THEN CONSIDERED TO BE PARTICIPATING, AND WOULD AS NECESSARY PUBLISH IN SUBSEQUENT ISSUES ANY CHANGES: ADDITIONS, THROUGH NEW DELEGATIONS APPEARING, AND DELETIONS AS DELEGATIONS FORMALLY INDICATE THAT THEY ARE WITHDRAWING. IN ADDITION, THE JOURNAL WOULD EACH DAY CARRY THE NUMBER OF STATES CONSIDERED AS PARTICIPATING AT THAT TIME.

5. ANY DISPUTES ABOUT PARTICIPATION WOULD BE REFERRED BY THE SEC-GEN TO THE PRESIDENT, WHO MIGHT CONSULT THE CREDENTIALS COMMITTEE THEREON.

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1/. A/CONF.62/7/ REV.1, 9 (PARA.3) AND 16.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, MEETINGS, CONSULTANTS
Control Number: n/a
Copy: SINGLE
Draft Date: 05 JUN 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: cunninfx
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974USUNN02058
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: DG ALTERED
Executive Order: GS
Errors: N/A
Film Number: D740143-0465
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740671/aaaacjfs.tel
Line Count: 157
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: cunninfx
Review Comment: n/a
Review Content Flags:
Review Date: 01 JUL 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <01 JUL 2002 by kelleyw0>; APPROVED <20 FEB 2003 by cunninfx>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LAW OF THE SEA CONFERENCE -- CONSULTATIONS ON CONFERENCE PROCEDURES
TAGS: TSPA, PFOR, PBOR, UN, UN CONF ON LAW OF THE SEA
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005